

11/8/2021

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and Members of the Judiciary Committee:

Thank you for the opportunity to provide written proponent testimony on SB 216 Dylan's Law regarding parental custody of infants born substance-exposed. My name is Amy O'Dell, I live in Minford, Ohio in Scioto County. I am employed by the Minford Local School District as a Federal Programs Coordinator and Curriculum Supervisor.

On the evening of February 13, 2019, I received the following email from Andrea Bowling (aka Andrea Tackett) requesting prayer for Dylan Groves who had been placed in her care when he was released from the hospital with Neo-Abstinence Syndrome (NAS).

On Feb 13, 2019, at 7:18 PM, Andrea Bowling <redacted> wrote:

I'm asking anyone who will, to come to my room tomorrow at 8:20 in the morning to pray for Dylan. I will update you in the morning about the details. I will start out the prayer and then anyone who would also like to pray....that would be so wonderful. I appreciate anyone willing to pray.

Andrea

I later learned that Dylan, who had been placed in the care of foster mother (Andrea Bowling - Tackett), was being reunited with his father far earlier than she had been told upon picking Dylan up at the hospital. It was documented in testimony from the Groves' trial, where the child's parents, Daniel and Jessica Groves were convicted and sentenced in the death of Dylan Groves, that Dylan's foster mother and SOMC hospital personnel were extremely concerned for Dylan's safety and well-being and voiced their concerns to the Scioto County Children's Services caseworker and supervisor multiple times. I personally witnessed one of these conversations where the foster mother explained that the reunification plan and safety assessments had not been completed and that she was extremely concerned for Dylan's safety. Dylan Groves was an innocent victim in the opioid abuse of his mother and the system that failed to protect him.

Among the opioid epidemic's most wrenching harms, are the children of the increased numbers of parents who struggle to care for their children. This year, more than 30,000 newborns will likely be diagnosed with neonatal abstinence syndrome (NAS). In 2015, a report from the Children's Defense Fund found that for every 1,000 live births in Scioto County, 76 were born with Neonatal Abstinence Syndrome, a condition caused by mothers who use drugs while pregnant. In Ohio, in 2019, that number was 9.3 per 1000 live births. .

When Dylan Groves was sent home with his father, only 11 days after being in the custody of CPS, there was nothing enforced that protected him from being in a house with his mother who was in active addiction. This decision caused a horrific, inconceivable failure to protect baby Dylan.

Dylan's Law, outlines very specifically, criteria that MUST be met before reunification can occur. This includes not just one parent, but all residents of the home. Child Abuse Prevention and Treatment Act (CAPTA) requires states to develop a monitoring system to determine whether and how the local entities are providing referrals to and delivery of appropriate services for the infant and affected family or caregiver. Dylan's Law specifically addresses these services in a manner in which loopholes are closed, and the children are protected and are safe, superseding a quick goal of reunification. According to recent studies, many people struggling with addiction want to get better, to be responsible parents and citizens. However, we cannot just assume that the parents are able and responsible for their NAS baby without the proper support, rehabilitation, and a well documented and required plan of safety for the child(ren). The parent(s) need time and support to recover before the child is placed back in their custody. The components of Dylan's Law will protect these babies in ways that Dylan Groves was not protected. It is not a law against reunification, but a law that will provide reunification only when it is safe for the child. Newborns with NAS exhibit symptoms such as low birth weight, tremors, irritability, high-pitched cry, seizures, abnormal sucking that leads to poor feeding, diarrhea/loose or watery stools, vomiting, and problems with breathing. It can take weeks and even months for an infant to fully recover. Dylan's Law will not allow NAS babies to be returned to a parent until the child has been in temporary custody for a minimum of six months. It provides that parents must meet ALL the criteria listed within the law. (Sec. 2151.461) Dylan's Law states that the court cannot commit to temporary custody to either parent or any person who resides in the household. (Sec 2151.562).

The provisions of Dylan's Law would have saved Dylan from the sickening, brutal death by the hands of his parents, instead of being in the loving arms of a foster mother who fought for his rights. I ask that you please pass Dylan's Law to protect any further children from the same fate of Dylan and others like him. Too many children have died as a result of unsafe reunification and follow-up procedures.

Thank you.  
Amy O'Dell